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PATENT  
ATTORNEY DOCKET NO.: 044696-5007  
3/4/03  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Reissue Application of: )  
Jan Hendrik Mensen )  
U.S. Patent No.: 5,657,600 ) . Examiner: Stephan, B.  
Issued August 19, 1997 )  
Reissue Application Serial No.: 09/374,598 ) . Art Unit: 3635  
Filed: August 13, 1999 )  
For: **WEB MEMBER FOR CONCRETE** )  
**FORM WALLS** )

Commissioner for Patents  
Washington, D.C. 20231

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GROUP 3600

APPELLANT'S APPEAL BRIEF UNDER 37 C.F.R. § 1.192 TRANSMITTAL FORM

Sir:

1. Transmitted herewith is an Appellants' Brief Under 37 C.F.R. § 1.192 (in triplicate), which is being submitted further to the Notice of Appeal filed September 23, 2002.
2. Additional papers enclosed:

- Request for Presence at the Appeal Conference  
 Form PTO-1449, \_\_\_\_\_ references included  
 Citations  
 Declaration of Biological Deposit  
 Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Oral Hearing Under 37 C.F.R. § 1.194

- Oral hearing is hereby requested.  
 Fee under 37 C.F.R. § 1.17(d) is enclosed.

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4. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| Total Months<br><u>Requested</u>                 | Fee for<br><u>Extension</u> | [Fee for Small<br>Entity] |
|--|-----------------------------|---------------------------|
| <input type="checkbox"/> one month               | \$ 110.00                   | \$ 55.00                  |
| <input type="checkbox"/> two months              | \$ 400.00                   | \$ 200.00                 |
| <input checked="" type="checkbox"/> three months | \$ 920.00                   | \$ 460.00                 |
| <input type="checkbox"/> four months             | \$ 1,440.00                 | \$ 720.00                 |

Extension of time fee due with this request: \$460.00

If an additional extension of time is required, please consider this a Petition therefor.

- An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

5. Constructive Petition

- EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

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6. Fee Payment

- No fee is to be paid at this time.
- Please charge Deposit Account No. 50-0310 the amount of \$460.00 for 3 month extension and \$160.00 for filing an appeal brief under 37 C.F.R. §1.17(c) (small entity) fee, and \$140.00 for the oral hearing under 37 C.F.R. §1.17(d).
- The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Date: February 24, 2003

By:

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